

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chanan Berkovits	Team: Team # 4	CCRB Case #: 201102575	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/24/2011 6:00 PM	Location of Incident: White Plains Road and East Gun Hill Road; the 47th Precinct stationhouse	Precinct: 47	18 Mo. SOL 8/24/2012	EO SOL 8/24/2012	
Date/Time CV Reported Mon, 02/28/2011 9:42 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 02/28/2011 9:42 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT William Flaherty	00773	926832	PBBX
2. SGT John Anzelino	00097	917037	047 PCT
3. POM Erik Duran	04245	948476	PBBX
4. POM Brandon Ravelo	26010	948409	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Timothy Dowling	01693	932571	PBBX
2. POM Paul Kearon	26316	948363	PBBX
3. POM Carlos Perez	26639	948262	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.SGT John Anzelino	Abuse: Sgt. John Anzelino searched § 87(2)(b)	
B.SGT William Flaherty	Abuse: Sgt. William Flaherty searched the car in which § 87(2)(b) was an occupant.	
C.POM Brandon Ravelo	Discourtesy: PO Brandon Ravelo spoke rudely to § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		
§ 87(4-b) § 87(2)(g)		

Case Summary

§ 87(2)(b) filed a complaint with the CCRB via the call processing system on February 28, 2011 (encl. 15-16).

On February 24, 2011, Sgt. William Flaherty, Sgt. Timothy Dowling, and Sgt. Anzelino stopped § 87(2)(b)'s car near the intersection of Gun Hill Road and White Plains Road in the Bronx, and he was arrested. The following allegations resulted.

- [illegible]

§ 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b) **AKA** § 87(2)(b) **AKA** § 87(2)(b)

- § 87(2)(b) is § 87(2)(b) old. He is a black male who stands 6'2" tall, weighs 220 pounds, and has black hair and brown eyes. § 87(2)(b)

§ 87(2)(b) was interviewed at the Royal Coach Diner, located at the intersection of East Gun Hill Road and Boston Road in the Bronx on October 26, 2011 (encl. 17-35). § 87(2)(b)

On February 24, 2011, at approximately 6:00 p.m., § 87(2)(b) was driving west on East Gun

Hill Road in the Bronx. § 87(2)(b)'s children, who are § 87(2)(b) and § 87(2)(b) years old respectively, were sitting in the back seat of § 87(2)(b)'s van. § 87(2)(b)'s van has Pennsylvania license plates. § 87(2)(b) is a licensed bounty hunter, and he had some of the equipment used in his work inside his car: A blue turret light was inside the center console. There is no cover on the center console. There was a black canvas bag sitting on the floor next to the driver's seat. This bag was approximately 3-4 feet long and approximately 2 feet high. It has a handle on top but has no cover and cannot be sealed or closed. Inside this bag, were a pair of handcuffs, a gun holster, a black fugitive enforcement jacket, and a black laptop bag which was closed. The laptop bag closes with a zipper, and inside it was a bottle of pepper spray. In the back of the van were a tool kit, a flashlight, a hitch for pulling another vehicle, and several Kevlar vests. The turret light, handcuffs, and pepper spray are registered in Pennsylvania.

§ 87(2)(b) reached the intersection of White Plains Road and East Gun Hill Road. He had not committed any traffic violations. A patrol car passed § 87(2)(b) going the opposite direction, made a U-turn, and pulled him over. Three uniformed officers, identified through the investigation as Sgt. William Flaherty, Sgt. John Anzelino, and Sgt. Timothy Dowling of Patrol Borough Bronx, exited the patrol car. Sgt. Dowling, the driver of the patrol car, was a white male who stood approximately 6'0" tall, weighed approximately 210 pounds, was in his 40s, and had thinning light brown hair. Sgt. Flaherty, the officer who had been in the front passenger's seat of the patrol car, was a white male who stood approximately 5'9"-5'10" tall, weighed approximately 230-240 pounds, was in his 40s, had black hair and a black mustache, and wore glasses. Sgt. Anzelino, the officer who had been sitting in the backseat of the patrol car, was a white male who stood approximately 5'7"-5'8" tall, weighed approximately 200-215 pounds, was in his 40s, and was bald. Sgt. Dowling approached the front driver's side of § 87(2)(b)'s van, Sgt. Flaherty approached the passenger's side, and Sgt. Anzelino approached the rear driver's side. Sgt. Dowling told § 87(2)(b) to provide his driver's license and registration. § 87(2)(b) provided those documents as well as his work identification. This identification was issued by a § 87(2)(b), but at the time of his interview, § 87(2)(b) could not recall the name of the agency. While remaining outside the van, the officers examined the dashboard. The officers would not have been able to see inside the canvas bag on the floor. § 87(2)(b) asked why he had been stopped, and Sgt. Dowling said that § 87(2)(b) had not been wearing his seatbelt. § 87(2)(b) had been wearing his seatbelt, and he informed the officers of this fact.

Initially during his interview, § 87(2)(b) stated that Sgt. Dowling asked him, "Would you mind if we looked in your car to make sure that you have no weapons?" and § 87(2)(b) replied, "No problem. I have nothing to hide. There are no weapons in the vehicle." Later in his interview, § 87(2)(b) stated that this exchange took place later in the sequence of events (see below). Sgt. Anzelino approached the front of § 87(2)(b)'s van and told him to exit it. § 87(2)(b) complied. Sgt. Anzelino felt the outside of the front right pocket of § 87(2)(b)'s jacket and his front right pants pocket, reached into these pockets, removed their contents, and then replaced them. Sgt. Anzelino felt the outside of § 87(2)(b)'s left front pants pocket and asked what it contained. § 87(2)(b) said that his pocket contained an asthma pump, another set of keys, and a cigarette lighter. A flashlight and handcuff case were attached to the left side of § 87(2)(b)'s belt. The handcuff case was approximately 3-4 inches long, approximately 3-4 inches wide, and made of malleable nylon. Sgt. Anzelino asked what the handcuff case was, and § 87(2)(b) explained that if Sgt. Anzelino had seen the work identification which he had shown to Sgt. Dowling, Sgt. Anzelino would understand why § 87(2)(b) had a handcuff case. Sgt. Anzelino told § 87(2)(b) that the officers were conducting an investigation because there had been many home invasions in the area.

As soon as § 87(2)(b) exited his van, Sgt. Flaherty entered the rear passenger's side doors of § 87(2)(b)'s van. Sgt. Flaherty opened two cabinets which were directly opposite the doors and above the seats. Sgt. Flaherty looked under the backseats in which § 87(2)(b)'s children were sitting. At a later point during his interview, § 87(2)(b) stated that while Sgt. Flaherty was searching the backseats, Sgt. Anzelino found § 87(2)(b)'s flashlight and handcuff case. At this time, Sgt. Anzelino asked, "Do you mind if we search your truck?" and § 87(2)(b) provided his consent as recounted above. Sgt. Flaherty entered the front passenger's and began searching it. Sgt. Anzelino told § 87(2)(b) to stand at the back of his van, and § 87(2)(b) complied. Because the back windows of § 87(2)(b)'s van are tinted, he was unable to see which areas of the front seat Sgt. Flaherty searched.

Sgt. Dowling approached § 87(2)(b) told him he was not under arrest, and said that the officers needed to make sure that § 87(2)(b) did not have any weapons. § 87(2)(b) said that he did not have any weapons on his person or in his van. Throughout this incident, officers asked § 87(2)(b) approximately 12-14 times if he had any weapons in his car, and he said that he did not every time. Sgt. Dowling asked § 87(2)(b) what kind of work he did. § 87(2)(b) answered truthfully. Sgt. Dowling told § 87(2)(b) that he was stopped because he had been using a cell phone while driving. § 87(2)(b) had not been doing so. At another point during the incident, officers told § 87(2)(b) that they had stopped him because one of his taillights was broken. While Sgt. Dowling was talking to § 87(2)(b) § 87(2)(b) looked around the side of the van. § 87(2)(b) could no longer locate Sgt. Anzelino and assumed that he was inside the van. § 87(2)(b) was leaning against the van and felt it moving as if there were people inside it searching; however, at this time, he could not see what was happening inside the van.

Sgt. Dowling spoke into his radio, and another patrol car arrived containing two officers, identified through the investigation as PO Barndon Ravelo and PO Erik Duran of Patrol Borough Bronx. PO Ravelo, was a Hispanic male who stood approximately 5'7"-5'8" tall, weighed approximately 210-220 pounds, was in his 30s, had dark hair, and was dressed in uniform. PO Duran was a Hispanic male who stood approximately 5'8"-5'9" tall, weighed approximately 195-200 pounds, was in his 30s, had dark brown hair, and was dressed in uniform. PO Ravelo removed everything from all of § 87(2)(b)'s pockets and all of the items attached to § 87(2)(b)'s belt. § 87(2)(b)'s fugitive enforcement shield was in his back left pants pocket. § 87(2)(b)'s shield is blue and gold, has the seal of the United States in its center, has the words "US bail enforcement-fugitive recovery special agent" on it, and has the number § 87(2)(b). PO Ravelo also felt § 87(2)(b)'s groin outside his pants. Sgt. Dowling and Sgt. Anzelino repeatedly told § 87(2)(b) that he was not under arrest. They said that the officers needed to handcuff § 87(2)(b) for their safety while they took him back to the precinct stationhouse to "sort this out." PO Ravelo handcuffed § 87(2)(b).

PO Ravelo and PO Duran took § 87(2)(b) to the 47th precinct stationhouse. PO Ravelo searched § 87(2)(b) again. He did not speak to § 87(2)(b) while he was searching him, and an officer, identified through the investigation as PO Paul Kearon of Patrol Borough Bronx, approached. PO Kearon was a Hispanic male who stood approximately 5'9"-5'10" tall, weighed approximately 220 pounds, was in his 30s, had dark brown hair and was dressed in uniform. While PO Ravelo was searching § 87(2)(b) PO Kearon told § 87(2)(b) "You think you're a badass, huh? We have a place for that. We can take care of that." § 87(2)(b) replied, "You all need to slow the fuck down." § 87(2)(b) did not raise his voice but he spoke in a stern tone. PO Ravelo grabbed § 87(2)(b) by the right bicep and right shoulder, turned him around, and pushed him against the wall. § 87(2)(b) tried to turn around and said, "You need to calm the fuck down." PO Ravelo said, "Shut the fuck up. You think you're a tough guy? Fuck you. We have a place for that. Fuck you bounty hunters. You all think you're

cops. You ain't shit." PO Kearon also made discourteous remarks about bounty hunters, but § 87(2)(b) could not recall what he said. After being search officers told § 87(2)(b) to call someone to pick up his children from the stationhouse, § 87(2)(b) called their mother.

§ 87(2)(b) was charged with § 87(2)(b). Upon returning home on February 26, 2011, § 87(2)(b) observed that the items in his van including the turret light, the refrigerator, several papers, and the backseat had been moved around. § 87(2)(b) believed that these items had been moved when officers searched his van at the stationhouse. There was body damage to the rear passenger's side door and scratches on the silver horizontal stripe on the outside of the van. The van has running boards under each of the doors. There is a rubber boarder along each of these boards, but the rubber had been removed from the running board on the rear passenger's side. None of this damage had been present prior to § 87(2)(b)'s arrest. § 87(2)(b)'s cousin, § 87(2)(b), took photos of the damage.

Several days later, § 87(2)(b) returned to the 47th Precinct stationhouse to identify the officers involved in this incident. While at the stationhouse, § 87(2)(b) videotaped PO Ravelo in order to identify him. He provided this video at the time of his interview, and identified PO Ravelo as the officer with a low haircut and wearing a black hooded sweatshirt. In July 2011, § 87(2)(b)'s property including his shield, handcuffs, gun holster, pepper spray, and fugitive enforcement jacket were returned to him.

On October 26, 2011, § 87(2)(b) provided the URL § 87(2)(b) as the website for the agency with which he is registered as a bounty hunter; however he still could not provide the name of that agency.

Photos

On October 26, 2011, § 87(2)(b) provided photos of items relevant to this incident (encl. 27-33). The laptop case and canvas bag match his descriptions above. Photos of the exterior of § 87(2)(b)'s van document the damage described above. The photos show a blue bubble light in plainview in the center console as well as a placard bearing the word "Police" on his windshield. There is a second placard visible, but what is written on it cannot be determined from the photo. On October 27, 2011, § 87(2)(b) provided additional photos (encl. 26) § 87(2)(b)'s fugitive enforcement agent identification which he showed to Sgt. Dowling features a picture of him, but gives his name as § 87(2)(b). The identification gives § 87(2)(b)'s title and shows that his shield number is § 87(2)(b). There is no indication of what organization or agency issued this document. § 87(2)(b)'s shield is identical to a NYPD detective's shield with the exceptions that it features the seal of the United States in the center and has the words "US bail enforcement – fugitive recovery" written on it. § 87(2)(b)'s shield number is § 87(2)(b). On November 9, 2011, § 87(2)(b) provided screenshots from his video of PO Ravelo (encl. 34).

NYPD Statements:

Subject Officer: SGT. WILLIAM FLAHERTY

- *Sgt. William Flaherty is § 87(2)(b) old. He is a white male who stands 5'9" tall, weighs 200 pounds, has brown hair and hazel eyes, and wears glasses.*
- *On February 24, 2011, Sgt. Flaherty worked in uniform from 2:00 p.m. to 10:57 p.m. with Sgt. Dowling. He was assigned as the impact supervisor and operating out of patrol car 3170.*

Memo Book Entries

PO Flaherty's memo book (encl. 48-49) records that on February 24, 2011, at 5:43 p.m.,

an individual was arrested at Gun Hill Road and White Plains Road.

CCRB Testimony

Sgt. Flaherty was interviewed at the CCRB on February 9, 2012 (encl. 50-53). Sgt. Flaherty reviewed his statement to Bronx Investigations before providing a statement to the CCRB. On February 24, 2011, at approximately 5:43 p.m., Sgt. Flaherty, Sgt. Dowling, and Sgt. Anzelino were driving on East Gun Hill Road near the intersection of East Gun Hill Road and White Plains Road in the Bronx. Sgt. Flaherty observed a van with Pennsylvania license plates driving in the opposite direction. There were approximately three New York City Police Department placards visible in the windshield. New York City police vehicles have only one placard in the windshield and they have New York state license plates. Therefore, Sgt. Flaherty determined that these placards were not authentic. The sergeants stopped the van. The van had not committed any traffic violations. Sgt. Flaherty approached the van on the passenger's side. Sgt. Dowling and Sgt. Anzelino approached on the driver's side. There was no visible damage to the van. Upon a closer inspection, Sgt. Flaherty observed that one of these placards had the NYPD logo on it, while another had a photo of the logo of the Seagate Police Department, which is a private police department in Brooklyn. The driver of the van, known to the CCRB as § 87(2)(b) was wearing a shield around his neck and outside his jacket which initially appeared to be an NYPD detective's shield. Sgt. Flaherty looked more closely at the placards through the windshield and observed that the shield had the words "Bail enforcement agent" written on it. The sergeants instructed § 87(2)(b) to exit his van, and he complied.

When § 87(2)(b) exited the van, an empty gun holster, approximately 1-2 pairs of handcuffs, and a container of pepper spray were immediately visible attached to his belt. Individuals who are not police officers are not allowed to carry handcuffs or pepper spray. The sergeants asked § 87(2)(b) if he was a police officer, and he said that he was not. § 87(2)(b) said that he had associations with the NYPD, police departments in Philadelphia, and police departments in other places. Initially during his interview, Sgt. Flaherty stated that § 87(2)(b) said that he was a bounty hunter. Later in his interview, Sgt. Flaherty stated that the sergeants asked § 87(2)(b) if he was a bail enforcement agent, and he said that he was not. § 87(2)(b) gave the sergeants a laminated identification which indicated that he was a bail enforcement agent, but this document bore no insignia or certifications. It did not appear to be authentic. The sergeants determined based on this collection of documents and the equipment that § 87(2)(b) possessed that he was impersonating a police officer. At this point, § 87(2)(b) was officially under arrest. The sergeants asked § 87(2)(b) if he owned a gun. § 87(2)(b) said that he did, but the gun was not on his person. One of the sergeants frisked § 87(2)(b) because the empty holster and § 87(2)(b)'s admission that he owned a gun suggested that he had a gun on his person. Sgt. Flaherty frisked § 87(2)(b) at some point in the incident, but he did not recall who was the first officer to frisk him. A gun was not recovered from this frisk. § 87(2)(b) was handcuffed and searched. Sgt. Flaherty did not search § 87(2)(b) prior to when he was placed under arrest. He did not see any officer search § 87(2)(b) prior to when he was arrested.

The sergeants called for a car to transport § 87(2)(b) to the 47th Precinct stationhouse. PO Duran and PO Ravelo arrived. The sergeants asked § 87(2)(b) if they could search his van. The sergeants believed that a gun was inside the van because it was not in § 87(2)(b)'s holster or on his person. § 87(2)(b) said, "Yeah, you can search my car. I have no problem with that." § 87(2)(b) was placed inside PO Duran and PO Ravelo's car. All three sergeants entered § 87(2)(b)'s van. There were children inside the van, and the sergeants instructed them to exit. They complied. The sergeants searched the van under the seats, inside the center console, inside the glove compartment, and inside other closed containers. They recovered a red

bubble light, but they did not recover a gun. Individuals who are not police officers are not allowed to possess a bubble light. PO Duran and PO Ravelo transported § 87(2)(b) to the 47th Precinct stationhouse. Sgt. Anzelino drove § 87(2)(b)'s van to the stationhouse.

Sgt. Flaherty was not present when § 87(2)(b) was searched at the stationhouse, and he did not know who conducted that search. Sgt. Flaherty did not see any officer interact with § 87(2)(b) at the stationhouse. PO Kearon was assigned § 87(2)(b)'s arrest. Sgt. Flaherty did not use any profanity during this incident. He did not hear any officer use profanity. Sgt. Flaherty did not observe any damage to § 87(2)(b)'s van at the stationhouse. Sgt. Flaherty informed the Internal Affairs police impersonations unit, and officers from that unit interviewed § 87(2)(b).

Subject Officer: SGT. JOHN ANZELINO

- *Sgt. John Anzelino is § 87(2)(b) old. He is a white male who stands 5'6" tall, weighs 185 pounds, has blue eyes, and is bald.*
- *On February 24, 2011, Sgt. Anzelino worked in uniform from 2:00 p.m. to 10:57 p.m. with Sgt. Dowling and Sgt. Flaherty. He was assigned as the impact supervisor and operating out of a patrol car.*

Memo Book Entries

Sgt. Anzelino did not have any memo book entries pertaining to this incident (encl. 59-61).

CCRB Testimony

Sgt. Anzelino was interviewed at the CCRB on April 19, 2012 (encl. 61-64). Sgt. Anzelino reviewed his statement to Bronx Investigations before giving a statement to the CCRB. § 87(2)(g)

§ 87(2)(b) Sgt. Anzelino did not recall which of the other sergeants informed him that they were going to stop a van for a traffic violation. Sgt. Anzelino did not recall what violation the van had committed. He did not recall if he saw the van prior to when it was stopped. Sgt. Anzelino approached the van on the passenger's side. Sgt. Dowling and Sgt. Flaherty approached on the driver's side. Sgt. Anzelino observed a bubble light and a police parking placard displayed in the windshield of the van. This placard appeared to be a photo of a Seagate Police Department placard which had been displayed in the windshield of another vehicle. The picture had been enlarged and laminated. There was nothing else suspicious about the van. At this time, Sgt. Anzelino decided that the driver of the van, known to the CCRB as § 87(2)(b) was under arrest for possessing the forged placard.

Sgt. Anzelino walked to the driver's side of the van and instructed § 87(2)(b) to exit. § 87(2)(b) complied. Sgt. Anzelino decided to frisk § 87(2)(b) for his safety prior to handcuffing him. Even though § 87(2)(b) was not handcuffed, he was under arrest and was not free to leave. Sgt. Anzelino did not see any officer frisk or search § 87(2)(b) prior to when he was determined to be under arrest. During the frisk, Sgt. Anzelino felt an empty gun holster and a pair of handcuffs attached to the right side of § 87(2)(b)'s belt. § 87(2)(b) said that he was some kind of security officer, but Sgt. Anzelino did not recall the exact term which he used. § 87(2)(b) did not give Sgt. Anzelino credentials to support his claim. He did not know if § 87(2)(b) gave credentials to Sgt. Dowling or Sgt. Flaherty. Sgt. Anzelino did not recall any of the sergeants speaking to § 87(2)(b) about the placard or his holster. He did not recall if § 87(2)(b) said anything about those items. PO Ravelo and PO Duran arrived and transported § 87(2)(b) to the 47th Precinct stationhouse.

§ 87(2)(b)'s van was stopped in the middle of a busy street, and there were children inside it. Consequently, Sgt. Anzelino believed that the van needed to be removed to the stationhouse immediately and there was no time to conduct a search at the scene. Sgt. Anzelino did not recall if he searched the van at the scene of the arrest. He did not recall seeing any officer search the van at the scene. Prior to removing the van, Sgt. Anzelino observed dents, scratches, and discolored paint on the outside of the van. Sgt. Anzelino drove the van back to the stationhouse. He was not involved in any accidents along the way. He did not damage the van. He did not see any officer damage the van. When Sgt. Anzelino arrived at the stationhouse he did not observe any additional damage to the van. Immediately upon returning to the stationhouse, Sgt. Anzelino conducted an inventory search of the van. This search was incident to a lawful arrest. Because § 87(2)(b) had an empty gun holster, it was reasonable to believe that a gun would be recovered from an inventory search of the van. Sgt. Anzelino recovered a second forged NYPD placard from the search. He did not recover a gun. He did not recall if he recovered any other contraband. Officers never asked § 87(2)(b) for his consent to search his van, and § 87(2)(b) never provided consent. Sgt. Anzelino was not present when § 87(2)(b) was searched in front of the desk. Sgt. Anzelino did not use any profanity during this incident. He did not hear any officer use profanity.

Subject Officer: PO BRANDON RAVELO

- *PO Brandon Ravelo is § 87(2)(b) old. He is a Hispanic male who stands 5'7" tall, weighs 200 pounds, and has black hair and brown eyes.*
- *On February 24, 2011, PO Ravelo worked in uniform from 2:00 p.m. to 10:35 p.m. with PO Duran. He was assigned to impact and operating out of marked patrol car number 2060.*

Memo Book Entries

PO Ravelo's memo book did not have any entries in his memo book regarding this incident (encl. 70-72).

CCRB Testimony

PO Ravelo was interviewed at the CCRB on March 26, 2012 (encl. 73-74). PO Ravelo reviewed his statement to Bronx investigation before giving a statement to the CCRB. § 87(2)(g)

PO Ravelo received a call from Sgt. Dowling instructing him to transport a prisoner from Gun Hill Road and White Plains Road in the Bronx to the 47th Precinct stationhouse. When PO Ravelo and PO Duran arrived at that location, he observed an individual, known to the CCRB as § 87(2)(b) handcuffed and standing at the back of his vehicle. PO Ravelo did not observe any damage to § 87(2)(b)'s van. PO Ravelo searched § 87(2)(b) as he searches anyone before placing them in his car, and placed him inside his patrol car. Nothing was recovered from the search.

PO Ravelo transported § 87(2)(b) to the 47th Precinct stationhouse. § 87(2)(b)'s van was parked in front of the stationhouse. PO Ravelo never searched § 87(2)(b)'s van. He did not see any officer search § 87(2)(b)'s van. Either PO Ravelo or PO Duran searched § 87(2)(b) in front of the desk sergeant. PO Ravelo placed § 87(2)(b) in the back cells. PO Ravelo did not say to § 87(2)(b) "Shut the fuck up," "Fuck you," or "You ain't shit." He did not hear any officer say these remarks. PO Ravelo did not use any profanity during this incident. He did not hear any officer use profanity.

Witness Officer: SGT. Timothy Dowling

- *Sgt. Timothy Dowling is § 87(2)(b) old. He is a white male who stands 5'10" tall, weighs 170*

pounds, and has brown hair and brown eyes.

- *On February 24, 2011, Sgt. Dowling worked in uniform from 2:00 p.m. to 10:57 p.m. with Sgt. Sgt. Flaherty and Sgt. Anzelino. He was assigned as the impact supervisor and operating out of patrol car 3170.*

Memo Book Entries

Sgt. Dowling's memo book (encl. 54-55) records that on February 24, 2011, at 6:30 p.m., an individual was arrested at Gun Hill Road and White Plains Road.

CCRB Testimony

Sgt. Dowling was interviewed at the CCRB on February 29, 2012 (encl. 56-58). Sgt. Dowling reviewed his statement to Bronx Investigations before providing a statement to the CCRB. § 87(2)(g)

§ 87(2)(b) Sgt. Dowling was the driver of the sergeants' car. A van passed the sergeants' car heading westbound. Both vehicles were in the left lane, and therefore, Sgt. Dowling was able to see that the driver of the van, known to the CCRB as § 87(2)(b) was using a cell phone. He did not observe any other reason to stop the van. Sgt. Dowling approached the driver's side of the van. When he approached the van, Sgt. Dowling observed a bubble light on the dashboard. He also observed a placard on the windshield bearing the official seal of the NYPD. The van's Pennsylvania license plate number was superimposed on the placard. This placard was smaller than an official NYPD placard and appeared to be inauthentic. There was a second placard in the windshield which bore the logo of the Seagate Police Department. The image on this placard was curved, and there was a windshield wiper visible on it, which indicated that the logo was actually a photo taken of a placard in another vehicle. Sgt. Dowling did not recall if there was any damage to § 87(2)(b)'s van.

The sergeants told § 87(2)(b) to exit his van. When § 87(2)(b) exited the van, Sgt. Dowling observed handcuffs, mace, and an empty gun holster attached to § 87(2)(b)'s waist. The sergeants told § 87(2)(b) to provide his driver's license and registration. He complied. Sgt. Dowling believed that the sergeants asked § 87(2)(b) about his cell phone. The sergeants questioned § 87(2)(b) about the placards and the bubble light. § 87(2)(b) said that he had been given these items by another individual, but he could not recall the identity of that individual. When Sgt. Dowling determined that the placards were inauthentic, he decided that § 87(2)(b) was under arrest. The sergeants asked § 87(2)(b) why he had the handcuffs, mace, and holster. § 87(2)(b) said that he used these items in his work as a bail enforcement agent. § 87(2)(b) gave the officers identification which indicated that he was a bail enforcement agent. The sergeants asked § 87(2)(b) if he had a gun. § 87(2)(b) acknowledged that he owned a gun but said that he did not have it with him. The sergeants believed that § 87(2)(b) was armed because he had an empty gun holster. At an unknown point in the incident, Sgt. Dowling frisked and searched § 87(2)(b) because he was under arrest. Sgt. Dowling did not recall if any officer frisked or searched § 87(2)(b) prior to when he was determined to be under arrest.

The sergeants entered the van and removed the placards. Sgt. Dowling did not recall if the sergeants searched any other areas of the van. Sgt. Dowling did not recall any officer discussing the search of the van with § 87(2)(b). He did not recall if § 87(2)(b) provided consent to search his van. Sgt. Anzelino drove § 87(2)(b)'s van to the stationhouse. Sgt. Dowling did not recall if he observed damage to the van at the stationhouse. Sgt. Dowling was not present when § 87(2)(b) was searched at the desk. Sgt. Dowling did not use any profanity during this incident. He did not hear any officer use profanity.

Witness Officer: PO ERIK DURAN

- *PO Erik Duran is § 87(2)(b) old. He is a Hispanic male who stands 5'7" tall, weighs 195 pounds, and has brown hair and brown eyes.*
- *On February 24, 2011, PO Duran worked in uniform from 2:00 p.m. to 10:35 p.m. with PO Ravelo. PO Duran was assigned to impact and operating out of patrol car 2060.*

Memo Book Entries

PO Duran did not have any memo book entries pertaining to this incident (encl. 65-66).

CCRB Testimony

PO Duran was interviewed by the CCRB on March 20, 2012 (encl. 67-69). PO Duran reviewed his statement to Bronx Investigation before providing a statement to the CCRB. PO Duran provided testimony which was entirely consistent with PO Ravelo's.

Witness Officer: PO PAUL KEARON

- *PO Kearon is § 87(2)(b) old. He is a white male who stands 5'9" tall, weighs 150 pounds and has brown hair and blue eyes.*
- *On February 24, 2011, PO Kearon worked in uniform from 2:00 p.m. to 10:35 p.m. with PO Perez. He was assigned to impact and operating out of patrol car 4609.*

Arrest Report

The arrest report which PO Kearon prepared for § 87(2)(b) (encl. 38-39) records that PO Kearon was informed by Sgt. Dowling, Sgt. Flaherty, and Sgt. Anzelino that during a lawful car stop, § 87(2)(b) was observed in possession of a forged instrument in plainview. A search incident to the arrest determined that § 87(2)(b) was impersonating a police officer and was in possession of a forged police shield. § 87(2)(b) was charged with § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b).

Property Vouchers

The property vouchers which PO Kearon prepared for § 87(2)(b) (encl. 40-41) record that § 87(2)(b) was in possession of a forged police placard, a forged fugitive enforcement ID card, a forged special agent police shield #§ 87(2)(b) and shield holder, black metal handcuffs, a black nylon gun holster, pepper spray and pepper spray holster, and a black fugitive enforcement jacket

Memo Book Entries

PO Kearon's memo book (encl. 42-44) records that on February 24, 2011 5:43 p.m., one individual was arrested at the corner of Gun Hill Road and White Plains. He was informed by Sgt. Dowling and Sgt. Anzelino that § 87(2)(b) impersonated a police officer.

CCRB Testimony

PO Kearon was interviewed at the CCRB on March 28, 2012 (encl. 45-47). PO Kearon reviewed his statement to Bronx Investigations before giving a statement to the CCRB. § 87(2)(g)

§ 87(2)(g) PO Kearon returned to the 47th Precinct from traffic court. When he arrived, PO Kearon observed a prisoner, known to the CCRB as § 87(2)(b) § 87(2)(b) was not in

a holding cell, and officers were deciding who would be assigned his arrest. PO Kearon was not at the scene of § 87(2)(b)'s arrest. PO Kearon was not present when § 87(2)(b) was searched in front of the desk. PO Kearon did not see § 87(2)(b) interact with PO Ravelo or PO Duran. PO Kearon volunteered to process § 87(2)(b)'s arrest. Sgt. Dowling informed PO Kearon of the details of § 87(2)(b)'s arrest and gave him the placards. PO Kearon took § 87(2)(b) to the holding cells and searched him before placing him inside. PO Kearon did not use any profanity during this incident. He did not hear any officer use profanity.

PO Kearon was instructed to search § 87(2)(b)'s van for guns and contraband. PO Kearon searched the entire van at the stationhouse. PO Kearon did not see any other officer search the van. He was not informed that the van had been searched at the arrest location. He never saw an officer driving the van. PO Kearon observed scratches and dents on all four sides of the vehicle. He did not observe how this damage was sustained.

Witness Officer: PO CARLOS PEREZ

- *PO Carlos Perez is § 87(2)(b) old. He is a Hispanic male who stands 5'9'' tall, weighs 250 pounds, and has brown hair and green eyes.*
- *On February 24, 2011, PO Perez worked in uniform from 2:00 p.m. to 10:35 p.m. with PO Kearon and PO Duran. He was assigned to impact and operating out of patrol car 4609.*

Memo Book Entries

PO Perez did not have any memo book entries pertaining to this incident (encl. 75-77).

CCRB Testimony

PO Perez was interviewed at the CCRB on January 24, 2012 (encl 78-79.). On February 24, 2011 at approximately 2:00 p.m., PO Perez went out in the field with PO Kearon. At approximately 3:00 p.m., both officers went to traffic court. At approximately 5:52 p.m., PO Perez returned to the 47th Precinct. At approximately 6:37 p.m. PO Perez went into the field with PO Duran. PO Perez had no recollection of this incident.

NYPD Documents

SPRINT Records

The SPRINT record from February 24, 2011 (encl. 80) shows that at 6:19 p.m., a sergeant on patrol for the 47th Precinct verified a crime arrest.

Other Evidence

On October 31, 2011, the CCRB retrieved the following information from § 87(2)(b) (encl. 93-101): The website belongs to the "US Bail Department." The website explains that upon completion of a training course, one can receive a certificate of completion from "the CSI Investigations," "Certificate of Handcuff" [sic], and "IDs card US Bail Dept. Inc." [sic]. Shields identical to § 87(2)(b)'s and bearing the same shield number can be purchased from the website by individuals who have not completed the training course. The description of this item explains that the shields are "sold strictly for collecting, display, and theatrical purposes." It also states that federal law prohibits the use of police replica shields for anything other than the purposes listed above. Searches of the website for certified bounty hunters assigned the shield number § 87(2)(b) and possessing the last names § 87(2)(b) or § 87(2)(b) yielded negative results.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- [§ 87(2)(b)] filed a Notice of Claim with the City of New York claiming that he was illegally arrested as a result of an illegal traffic stop, lost 17 weeks of wages from work, suffered mental and emotional distress and "deformation" of his character. He also claims that officers "ransacked" his van. [§ 87(2)(b)] is seeking \$3 million as redress. The notice of claim is not dated (encl. 89-92).

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by [§ 87(2)(b)] (encl. 14).

Subject Officers CCRB History

- Sgt. Anzelino has been a member of the service for 15 years and there are three substantiated CCRB allegations against him (encl. 7-10):
 - In case number 200408476, two abuse – other allegations were substantiated against Sgt. Anzelino. He received an A command discipline for one, and no penalty for the second. A discourteous word allegation was substantiated against him, but he received no penalty.
- Sgt. Flaherty has been a member of the service for 11 years and there are no substantiated CCRB allegations against him (encl. 11).
- PO Ravelo has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 12).
- PO Duran has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 13).

Conclusion

Identification of Subject Officers

- Sgt. Anzelino acknowledged searching § 87(2)(b) immediately after he exited the van. § 87(2)(b) stated that the officer who performed this search was also one of the officers who searched his van. Sgt. Anzelino acknowledged driving § 87(2)(b)'s van. § 87(2)(g)
- Sgt. Flaherty acknowledged searching § 87(2)(b)'s van. § 87(2)(g)
- PO Ravelo acknowledged searching § 87(2)(b) at that station house. § 87(2)(b) stated that the officer depicted in his video and the screenshots from it was the officer who cursed at him. These images depicted PO Ravelo. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(g)

[REDACTED]

Allegation A – Abuse of Authority: Sgt. John Anzelino searched § 87(2)(b)

§ 87(2)(b) alleged that after Sgt. Anzelino told § 87(2)(b) to exit his van, Sgt. Anzelino felt the outside of the front right pocket of his jacket and the front right pocket of his pants, reached into these pockets, removed their contents, and then replaced them. Sgt. Anzelino felt the outside of § 87(2)(b)'s left front pants pocket and asked what it contained. The officers repeatedly told § 87(2)(b) that he was not under arrest. Sgt. Anzelino stated that once he determined that § 87(2)(b) was under arrest, he frisked him incident to a lawful arrest.

Patrol Guide Procedure 208-05 (encl. 1-2) states that at the time of an arrest officers should conduct a frisk of the arrested individual by sliding hands over the individual feeling for weapons or other objects. If an unusual object is detected, the officer will reach into the clothing and remove it. § 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation B – Abuse of Authority: Sgt. William Flaherty searched the van in which § 87(2)(b) was an occupant.

Initially during his interview, § 87(2)(b) stated that Sgt. Dowling asked him, “Would you mind if we looked in your car to make sure that you have no weapons?” and § 87(2)(b) replied, “No problem. I have nothing to hide. There are no weapons in the vehicle.” Sgt. Flaherty then searched the van. Later in his interview, § 87(2)(b) stated that while Sgt. Flaherty was already searching the van, Sgt. Anzelino asked, “Do you mind if we search your truck?” and § 87(2)(b) provided his consent. Sgt. Flaherty stated that officers asked § 87(2)(b) if they could search his van. § 87(2)(b) said, “Yeah, you can search my car. I have no problem with that.” All three sergeants then searched the van including the center console and the glove compartment. § 87(2)(g)

The decision in Supreme Court of New York Appellate Division case *People v. Calvo* 1 A.D. 3d 605 (2003) (encl. 3-4) states that “the defendant’s consent to search his vehicle included a search of any items where a weapon might be hidden” including a sealed container. § 87(2)(g)

Allegation C – Discourtesy: PO Brandon Ravelo spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that PO Ravelo told him, “Shut the fuck up,” “Fuck you,” and “You ain’t shit.” PO Ravelo denied saying these remarks or using any profanity. The other officers corroborated PO Ravelo’s account. § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: 4

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Investigator:	_____	Chanan Berkovits	May 7, 2012
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date